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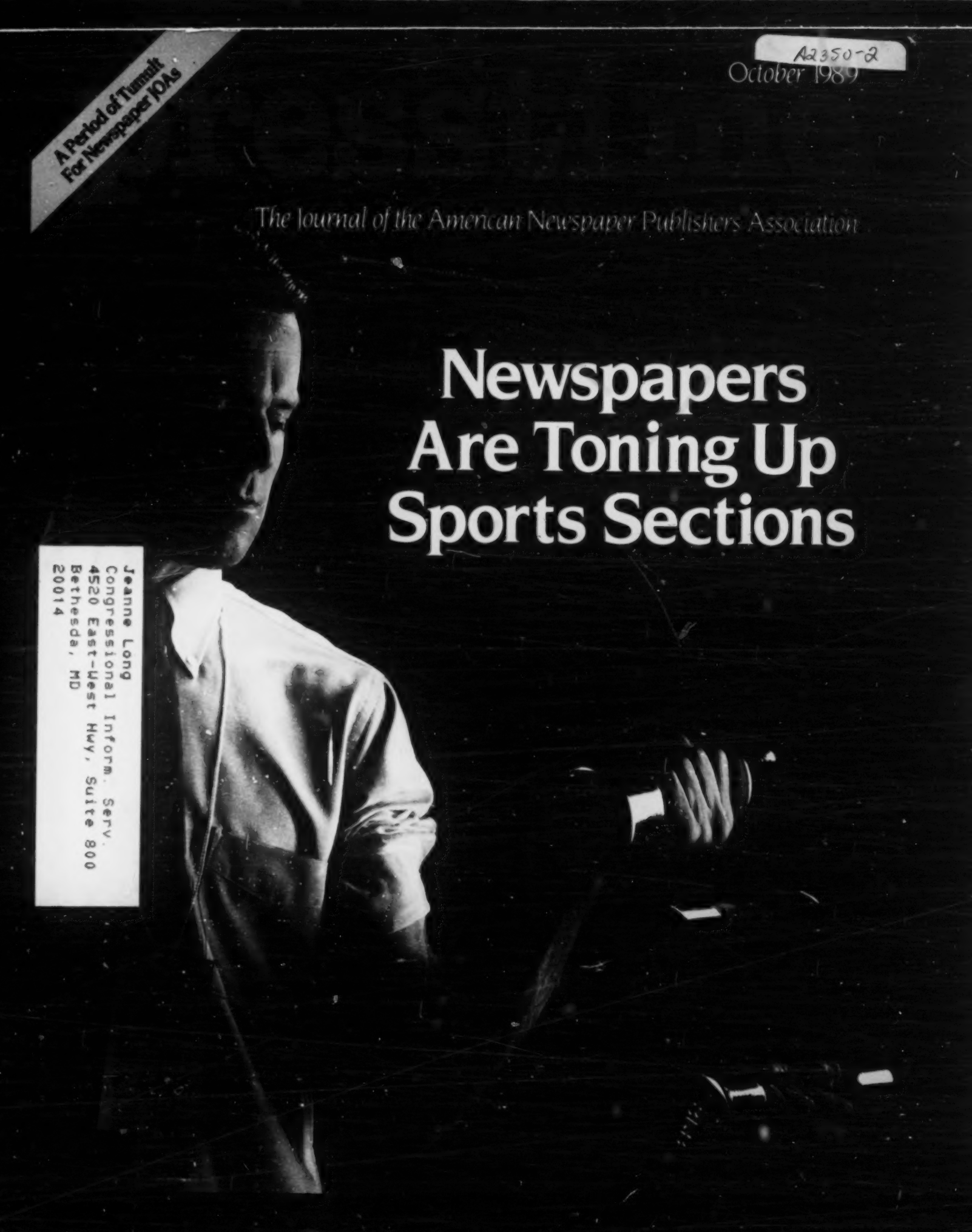
October 1989

A Period of Turmoil For Newspaper IOAs

The Journal of the American Newspaper Publishers Association

Newspapers Are Toning Up Sports Sections



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presstime

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Special Report *Newspaper sports sections are undergoing a metamorphosis. Cheerleading is out, hard-nosed journalism is in. Sportswriters are changing, too. "Sports business reporters" and other specialists are supplementing traditional game stories with unprecedented "off field" coverage. And sportswriting is no longer the exclusive province of White males. Research indicates that sports sections have a loyal following, especially among men. Publishers hope expanded sports coverage will help them be a winner in the all-important contest to attract new readers.* **20**

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CHAIRMAN'S CORNER

10th anniversary of presstime is a time to look ahead

As one more example that time flies, consider this: Presstime has just completed its first decade of publication.

It was more than 10 years ago when the ANPA Board of Directors gave the go-ahead for publication of a monthly magazine. As with most good ANPA ideas, this one came from you, the Association's members. In our first membership survey, in the late 1970s, you said you thought ANPA could and should do a better job of disseminating information to member papers and to the public in general. We have done that.

William H. Cowles 3rd

Here are just a few of the goals and objectives the Board laid out for presstime back in 1979:

- "To establish the pre-eminent newspaper-business trade association publication in North America. . . .
- "To meet objectively controversial issues facing the newspaper business. . . .
- "To anticipate by spotting trends and problem areas in the newspaper business and to explore those areas objectively and promptly. . . .
- "To raise ANPA's general image and visibility thus enhancing its effectiveness."

Presstime has more than met its goals. In ANPA's second membership survey, conducted just last year, our magazine was found to be the "major point of contact with ANPA across all management types," and it was listed as one of the major reasons ANPA was perceived to be "more effective" by a majority of responding newspaper executives.

The results of a presstime readership survey conducted last year by The Gallup Organization turned up similar glowing reviews.

In addition to its continually improving editorial quality, presstime has scored some steady gains on the circulation and advertising fronts.

The October 1979 original issue—which, incidentally, included a cover story about how the energy crunch was affecting newspapers; remember that problem?—was circulated to 6,307 people, not counting sample copies. Circulation now is 13,524.

In the fall of 1983 the magazine was redesigned. The "new look" presstime made its debut in January 1984, and three months later the magazine began running advertising. Ad pages grew steadily from 130 in 1984 to nearly 400 in 1987 and 1988.

The success of presstime is shared by many—ANPA members who identified the need, Directors who launched it, ANPA staff members in other departments who lend their expertise to the magazine's staff and, most especially, the magazine's past and present staffs, the current list of which is elsewhere on this page.

Anniversaries are good times for looking backward, but better times for looking ahead. More than 10 years ago, you had the idea that led to this magazine. I'm sure you have more thoughts now about how it could do more and better things for our Association and for newspapering in general. I invite you to send those ideas along so that we can help continue the success that has been presstime.

Bill Cowles

William H. Cowles 3rd
ANPA Chairman

ANPA

presstime

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JOA LAW MAY BE AT

The Supreme Court will soon consider a case involving
not expected to affect existing joint operating arrangements,

BY MARY A. ANDERSON
presstime staff writer

In 1969, a U.S. Supreme Court decision that two Tucson dailies had violated antitrust law by merging their non-editorial operations led to enactment of the Newspaper Preservation Act.

Twenty years later, the high court is revisiting the economics of publishing competing newspapers in the same city. It has agreed to determine whether former U.S. Attorney General Edwin M. Meese III properly applied the act when he approved a joint operating arrangement, or JOA, for The Detroit News and the Detroit Free Press.

Oral arguments are scheduled for the 30th of this month, and a decision is expected by early July.

The proposed deal has commanded a high profile, partially because of the magnitude of the corporate players—Gannett Co., owner of the News, and Knight-Ridder Inc., owner of the Free Press—and because longtime critics of JOAs have seized on the case to advocate repeal or amendment of the newspaper preservation law.

Knight-Ridder has staked the life of the Free Press, its largest newspaper, on the outcome. The company has vowed to close the Free Press if the high court denies the JOA.

If the court allows the partial merger to proceed, it would be the first JOA formed since 1983, when the two Seattle dailies began joint operations after more than two years of Justice Department scrutiny and litigation.

Because the Supreme Court case focuses entirely on the Detroit bid, media lawyers and analysts say the decision, no matter what it entails, will not jeopardize any of the 18 JOAs already in existence. No constitutional issue has been raised by the parties opposing the joint operation, according to newspaper and Justice Department attorneys involved in the case.

However, the court's ruling may well set parameters that could affect potential JOA applicants, the lawyers and analysts speculate. They cite analagous situations where there is not a large economic disparity between the newspapers indicating a clear "downward spiral" for one of them, and where an application for a joint operating arrangement could arise in part from price warfare for market dominance.

Ed Cicenas, Manteca Bulletin

Manteca Bulletin Publisher Darell Phillips operates in proximity to his semiweekly competitor, The Manteca News, with which his daily seeks a JOA.

"The only impact a holding in the Detroit case would have would be prospectively, either because the (act's) standard of 'probable danger of financial failure' is given a new gloss or the procedure (of approving JOAs) may change," says lawyer P. Cameron DeVore of Davis Wright & Jones in Seattle, who has represented newspapers in JOA applications.

The likeliest situation affected by the decision would be one like Detroit's, he says, because the court tends to tailor its decisions narrowly to the facts presented to it. The Detroit JOA application is the first to deviate from the "downward spiral" model of financial failure, he notes.

Within the past 18 months, newspapers in three other communities have applied for the government's permission to combine business operations and divide the profits [presstime, Sept. 1989, p. 42]—in Manteca, Calif., York, Pa., and Las Vegas. But observers say none of the three falls into the Detroit pattern.

Membership in the exclusive JOA club is limited to newspapers that compete fully in the same community for readers and advertisers. To qualify for JOA relief, the applicants must prove that one of the papers is in danger of failing financially.

The recent surge in JOA activity seems to belie other developments that have caused various industry observers and government officials to question whether the Newspaper Preservation Act is waning as a savior of competing editorial voices.

A TURNING POINT

the Newspaper Preservation Act. The outcome is but it may well have an impact on future applications.

The numbers indicate a diminution in the act's impact.

- There are four fewer JOAs today than in 1970, when the law was enacted and 22 joint operations were "grandfathered."
- Of the grandfathered JOAs, only 15 still exist. "Failing" newspapers eventually folded in Miami, St. Louis and Columbus, Ohio, and one JOA paper acquired the other in Franklin-Oil City, Pa. Three other JOAs were dropped from the original list when the government determined that the newspapers in Lincoln, Neb., Madison, Wis., and Bristol, Va.-Tenn., did not meet the criteria for JOA status.
- Industry trends favoring morning and Sunday publication have left several more JOAs in precarious shape, as partners with afternoon publication schedules have been further weakened.
- Just four joint operations have been approved in the 19 years since the law's enactment, and one of them—in Anchorage—was subsequently dissolved by the newspapers. Three remain in effect—in Chattanooga, Cincinnati and Seattle.
- Besides the 18 places where JOAs exist and the four others where they are being sought, only 23 U.S. cities currently have competing dailies, according to ANPA records. This compares with 32 four years ago [**presstime**, Aug. 1985, p. 23]. Moreover, few of the competing dailies are true candidates for JOAs, newspaper analysts say. In some instances, one paper is viewed as too weak to make a JOA attractive; in others, the rivalry is deemed too heated for a coming together.

On the other hand, over the past four years JOA newspapers in six cities have extended their publishing contracts into the next century, records on file at the Justice Department show. Another five contracts will be up for renewal—or expiration—in the 1990s. (See chart, pp. 8-9.)

Also, still unknown is the act's potential for preserving non-dailies in competitive struggles.

The Manteca filing for JOA relief is the first involving a non-daily paper. The Manteca News, a semiweekly with 24,000 circulation, is designated the "failing newspaper" in the effort to team up with the Manteca Bulletin, a daily with 19,500 morning circulation. The Antitrust Division of the Department of Justice has not yet issued a recommendation in the case.

Seattle lawyer DeVore summarizes the situation this way: "Though there have been some deaths of newspapers [published under JOAs], the net result is that since 1970 in 12 to 13 cities we have news and editorial competition for another 20 years or more, and I think that's been a major benefit."

"I guess the act has succeeded in doing what Congress intended it to do, at least in those pre-act cities that were grandfathered," says DeVore.

But even some of the act's most ardent supporters like securities analyst John Morton of Washington, D.C., concede its impact is shrinking.

"Even when the act was passed, there were few [competitive] cities," Morton says. "The list of candidates [for JOAs] has never been very long and it's gotten shorter."

House Judiciary Committee Chairman Jack Brooks (D-Texas) cited the small number of newspapers participating in JOAs when he convened an oversight hearing on the preservation law last summer [**presstime**, Aug. 1989, p. 34]. The House Subcommittee on Economic and Commercial Law, which Brooks also chairs, is considering whether to hold full hearings to explore possible amendments to the act.

Some witnesses before the subcommittee, primarily representatives of unions and non-daily or alternative newspapers that have traditionally opposed the law, called for its outright repeal.

FUTURE ACTIVITY. Among the 23 remaining cities with competing dailies not already in or seeking JOAs, less than half are perceived as potential sites for joint arrangements.

Asked how many more JOAs might be formed, newspaper analyst Morton estimates, "You could probably count them on one hand."

The reason, he says, is that "there's a window of opportunity for a JOA. It's at that time when the second paper still has a large enough portion of the market that it makes it financially attractive for the larger paper to enter a JOA."

Morton says the window has already been shut, for various reasons, in most cities hosting two or more competitive dailies. In most cases, the financial disparity is just too large—the second paper is either losing too much money or is tiny compared to its competitor. In others, such as Chicago or New York City, publishers would likely not be interested in teaming up.

Little Rock, Denver, Houston, Dallas and San Antonio are among the most obvi-

Over the past four years JOA newspapers in six cities have extended publishing contracts into the next century, records on file at the Justice Department show. Another five contracts will be up for renewal—or expiration—in the 1990s.

ous candidates, Morton says. However, the Texas dailies are profitable and, therefore, any JOA bids are probably far into the future, he predicts. Dailies in Trenton, N.J., and Scranton, Pa., also could be JOA candidates, according to Morton.

Denver tops his list because Scripps Howard, owner of the Rocky Mountain News, operates the most JOA newspapers of any group, seven. William Dean Singleton, whose MediaNews Group includes The Denver Post, has pursued and bought several newspapers in potential JOA markets and has applied for his first as owner of The York Dispatch. The Justice Department's Antitrust Division recently recommended approval of the JOA between the Dispatch and the York Daily Record [presstime, July 1989, p. 55].

Two other analysts interviewed by presstime, Bruce E. Thorp of Philadelphia's Provident National Bank and Kevin R. Gruneich of The First Boston Corp., generally concur with Morton's assessment.

The applications from York, Manteca and Las Vegas suggest that more smaller papers are petitioning for JOA protection than has been true in the past.

Each of the dailies involved in the York and Manteca applications circulates fewer than 50,000 copies. The Las Vegas Sun, designated as the "failing newspaper" in its proposed joint arrangement with the Las Vegas Review-Journal, has a morning circulation of 53,948 [presstime, Sept. 1989, p. 42].

Regarding the Manteca petition, Morton says even if it is approved he does not foresee a stream of applications from weeklies and their non-daily or small-daily competitors. "I think that's a trend that's probably going to begin and end with Manteca," he comments.

Historically, non-daily and suburban papers have been among the most vocal opponents of JOAs.

CHANGING CONDITIONS. Morris J. Levin, a Washington, D.C., attorney who represented the Tucson and other newspapers in lobbying for the act 20 years ago, also discounts the possibility that suburban or weekly newspapers will seek JOAs.

"To assume that there will now, or at some time in the future, be a surge in applications under the act is to defy credibility," he told the House Subcommittee on Economic and Commercial Law in its oversight hearing.

The act has worked well, he testified, even though it has been "selectively implemented in a small minority of the cases where there were failing newspapers."

Levin and other observers say that the key to the Newspaper Preservation Act's continued viability is the flexibility the parties have to renegotiate—or terminate—contracts as market conditions fluctuate.

"A JOA pretty clearly is not forever," says analyst Thorp. "What made sense 20 years ago doesn't always make sense now."

Three times over the past four years a dominant JOA partner with the evening slot insisted on taking over the morning cycle.

Two JOA contracts—in Knoxville, Tenn., and Birmingham—were extended on condition that the papers trade publishing schedules. In July 1986 The Knoxville News-Sentinel switched to morning publication and the smaller Knoxville Journal assumed the p.m. position. The Birmingham papers will switch cycles in 1995—the Post-Herald will become the evening paper and the dominant News will begin morning publication.

In the third instance, The Columbus Dispatch—the independently owned, domi-

Who's Who in Joint

City/newspaper	Publication schedule	Circulation (as of March 31, 1989)	Ownership	Year JOA began	Year of renewal or expiration
Albuquerque					
Albuquerque Journal	M	119,400	Independent	1933	2022
	S	154,646			
The Albuquerque Tribune	E	40,636	Scripps Howard		
El Paso					
El Paso Times	M	61,641	Gannett Co.	1936	2015
	S	98,104			
El Paso Herald-Post	E	29,439	Scripps Howard		
Nashville					
The Tennessean	M	126,762	Gannett Co.	1937	2022
	S	258,969			
Nashville Banner	E	63,078	Independent		
Evansville, Ind.					
The Evansville Courier	M	62,888	Scripps Howard	1938	1998
	S	115,626			
The Evansville Press	E	36,475	Independent		
Tucson					
The Arizona Daily Star	M	90,498	Pulitzer Publ. Co.	1940	2015
	S	171,212			
The Tucson Citizen	E	57,247	Gannett Co.		
Tulsa					
Tulsa World	M	126,909	Independent	1941	1996
	S	238,495			
The Tulsa Tribune	E	68,990	Independent		
Fort Wayne, Ind.					
The Journal-Gazette	M	61,777	Independent	1950	2020
	S	137,023			
The News-Sentinel	E	55,675	Knight-Ridder		
Birmingham					
Birmingham Post-Herald	M	63,021	Scripps Howard	1950	2015
The Birmingham News	E	172,510	Newhouse		
	S	209,047			
Salt Lake City					
The Salt Lake Tribune	M	111,356	Independent	1952	2012
	S	141,180			
Deseret News	E	60,682	Independent		
	S	66,988			

Sources: U.S. Department of Justice, ANPA, Audit Bureau of Circulations, JOA newspapers

Operating Arrangements

City/newspaper	Publication schedule	Circulation (as of March 31, 1989)	Ownership	Year JOA began	Year of renewal or expiration
Shreveport, La.					
The Times	M	76,988	Gannett Co.	1953	1994
	S	104,926			
Shreveport Journal	E	19,118	Independent		
Knoxville, Tenn.					
Knoxville Journal	E	42,156	Persis Corp.	1957	2005
The Knoxville News-Sentinel	M	100,353	Scripps Howard		
	S	166,574			
Charleston, W.Va.					
The Charleston Gazette	M	55,456	Independent	1958	2036
Sunday Gazette-Mail	S	105,753			
Charleston Daily Mail	E	50,917	Thomson		
Pittsburgh					
Pittsburgh Post-Gazette	M	166,942	Block Newspapers	1961	1999
The Pittsburgh Press	E	227,434	Scripps Howard		
	S	560,199			
Honolulu					
The Honolulu Advertiser	M	98,025	Persis Corp.	1962	2042
Honolulu Star-Bulletin	E	96,074	Gannett Co.		
Sunday Star-Bulletin & Advertiser	S	203,752			
San Francisco					
San Francisco Chronicle	M	556,196	Chronicle Publ. Co.	1965	1995
San Francisco Examiner	E	135,444	The Hearst Corp.		
San Francisco Examiner and Chronicle	S	700,989			
Cincinnati					
The Cincinnati Enquirer	M	196,883	Gannett Co.	1979	2007
	S	337,413			
The Cincinnati Post	E	109,262	Scripps Howard		
Chattanooga					
The Chattanooga Times	M	47,784	Independent	1980	2000
Chattanooga News-Free Press	E	57,233	Independent		
	S	110,686			
Seattle					
Seattle Post-Intelligencer	M	204,827	The Hearst Corp.	1983	2032
The Seattle Times	E	236,563	Seattle Times Co.		
Times/Post Intelligencer	S	504,993			

nant paper—terminated its JOA because Scripps Howard's Citizen-Journal would not surrender the a.m. position.

Of the five JOAs that expire in the coming decade, only in Pittsburgh does the larger paper still publish in the evening.

As for the inability of the Newspaper Preservation Act to preserve the Citizen-Journal, the St. Louis Globe-Democrat and The Miami News, Thorp observes, "A JOA does not necessarily strengthen the position of the second paper." The joint arrangement "perpetuates its existence, but it can become an increasing burden on the owners," who may eventually allow the weaker paper to die.

Marilyn S. Greenwald, assistant professor of journalism at Ohio University, agrees that the closure of the Citizen-Journal, while lamentable, does not mean the preservation act failed in its historic mission.

"I think (the act) was really needed" 20 years ago, says Greenwald, who worked as a business writer for the C-J for seven years until it closed. But changes in society—particularly factors that favor morning newspaper readership—have rendered application of the law somewhat "outdated," she adds.

In St. Louis, although the act could not sustain the p.m. Globe-Democrat owned by the Newhouse group, daily competition resumed there Sept. 25 when a new tabloid, Ingersoll Publications Co.'s St. Louis Sun, began morning publication opposite the Post-Dispatch.

David Kraslow, former publisher of The Miami News and now a vice president of Cox Newspapers, notes that the act extended the News' life for 22 years through a JOA between Cox, owner of the News, and Knight-Ridder, owner of The Miami Herald. "It's not that they (the JOA participants) didn't give it a good-faith effort to publish an independent newspaper in Miami," he says.

A critical issue there was the growth of the Sunday newspaper market and the News' exclusion from that market under the JOA contract, he says. The News' economic tailspin might have been slowed, he believes, "if there had been some way to preserve that (editorial) voice in a Sunday paper. It would have to be in a combined format," Kraslow says, much like what the papers in San Francisco and Seattle are doing and what the Detroit papers have proposed.

Despite the News' closure last Dec. 31, the Miami JOA technically remains in effect, with Cox sharing in the profits of the Herald until the year 2021. This setup continues to draw critical comments from Newspaper Preservation Act opponents, and the Justice Department is investigating the plan for possible antitrust violations.

On the legislative front, Congress could call further hearings and follow up with some amendments to the act, such as requiring a money-losing newspaper to seek buyers before resorting to a JOA, says ANPA Assistant General Counsel Claudia James. But she sees no sentiment yet for changing or repealing the act.

Harold W. Fuson Jr., general counsel for The Copley Press Inc. and chairman of ANPA's Legal Affairs Committee, says the aspect that most troubles him about the intensified debate over the act is not the dwindling numbers of newspapers it affects but the government's scrutiny of newspaper economics.

The congressional hearings preceding the law's 1970 enactment required "voluminous documentation" about newspaper operations, he recalls. "If it becomes a focus of renewed congressional interest, we're going to go through that process all over again." □

7-month consumption is down slightly

Newsprint consumption declined again in July for all U.S. users, although U.S. daily newspapers increased their consumption slightly. All users consumed 953,730 metric tons, a decrease of 1.5 percent from July 1988, according to preliminary estimates.

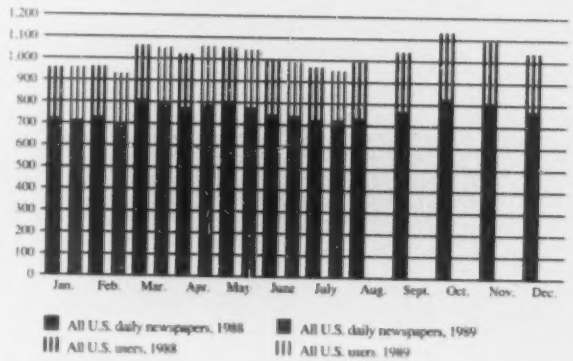
For the first seven months of 1989, overall consumption was down 0.4 percent.

U.S. dailies in July used 722,742 metric tons, 0.1 percent more than a year earlier. However, for the seven-month period their consumption decreased 0.6 percent.

Newsprint inventories for newspapers in ANPA's statistical sample averaged a 41-day supply in July, compared with a 51-day supply in July 1988. Stocks of North American newsprint mills increased about 28.9 percent from July 1988.

Canadian newsprint mills operated at 94 percent of rated capacity in July and at 96 percent for the year to date. U.S. mills operated at 99.2 percent and 96.7 percent of capacity, respectively.

Estimated newsprint consumption, 1988-1989 (thousands of metric tons)



Estimated consumption of all U.S. daily newspapers[1]

Region	June 1989(r)	June 1988	% Change
Northeast	183,660	194,233	-5.4
North Central	160,139	160,293	-0.1
South	232,674	221,335	+5.1
West	171,041	171,732	-0.4
Circulation Size			
up to 25,000	55,249	53,856	+2.6
25,001-100,000	163,805	161,284	+1.6
Over 100,000	528,460	532,453	-0.7
June totals	747,514	747,593	-0.01
Six-month totals	4,545,711	4,577,050	-0.7
Region	**July 1989(p)**	**July 1988**	**% Change**
Northeast	169,614	179,089	-5.3
North Central	152,600	150,917	+1.1
South	229,752	224,714	+2.2
West	170,776	166,948	+2.3
Circulation Size			
up to 25,000	52,619	51,519	+2.1
25,001-100,000	160,795	159,925	+0.5
Over 100,000	509,328	510,224	-0.2
July totals	722,742	721,668	+0.1
Seven-month totals	5,268,453	5,298,718	-0.6

Estimated consumption of all U.S. users

	1989	1988	% Change
May totals	1,043,694(r)	1,058,414	-1.4(r)
June totals	994,912(r)	997,085	-0.2(r)
July totals	953,730(p)	967,960	-1.5(p)
Seven-month totals	6,998,499(p)	7,027,699	-0.4(p)

Production

	Canada	U.S.A.	North America
July 1989	813,669	473,905	1,287,574
July 1988	826,805	435,891	1,262,696
Increase or decrease	-13,136	38,014	24,878
	-1.6%	+8.7%	+2.0%
Seven months 1989	5,699,389	3,164,202	8,863,591
Seven months 1988	5,822,260	3,146,918	8,969,178
Increase or decrease	-122,871	+17,284	-105,587
	-2.1%	+0.5%	-1.2%

Shipments

From Canadian mills	U.S.A.	Canada	Export	Total
July 1989	549,040	86,964	138,674	774,678
July 1988	573,690	99,182	121,344	794,216
Seven months 1989	3,909,887	667,485	961,205	5,538,577
Seven months 1988	4,093,037	707,713	867,424	5,668,174
Increase or decrease	-183,150	-40,228	+93,781	-129,597
	-4.5%	-5.7%	+10.8%	-2.3%
From U.S. mills				
July 1989	410,562		61,744	472,306
July 1988	390,443		40,274	430,717
Seven months 1989	2,833,222		305,012	3,138,234
Seven months 1988	2,926,476		192,030	3,118,506
Increase or decrease	-93,254		+112,982	+19,728
	-3.2%		+58.8%	+0.6%
From North American mills				
July 1989	959,602	86,964	200,418	1,246,984
July 1988	964,133	99,182	161,618	1,224,933
Seven months 1989	6,743,109	667,485	1,266,217	8,676,811
Seven months 1988	7,019,513	707,713	1,059,454	8,786,680
Increase or decrease	-276,404	-40,228	+206,763	-109,869
	-3.9%	-5.7%	+19.5%	-1.3%

Stocks

U.S. publishers[2]	Tonnage	Days' supply on hand	Days' supply in transit
May 1989	837,457	36	5
May 1988	951,494	40	6
June 1989	829,151	38(r)	5
June 1988	989,453	45	7
July 1989	826,944	37(p)	4(p)
July 1988	972,566	45	6
Canadian mills			
July 1989	451,300	—	—
July 1988	343,181	—	—
U.S. mills			
July 1989	74,061	—	—
July 1988	64,543	—	—

[1]Based on stratified data from newspapers in ANPA statistical sample; figures in this and other tables are in metric tons.

[2]Represents stocks of newspapers in ANPA statistical sample.

(r) = revised (p) = preliminary